

IN THE CIRCUIT COURT OF RALLS COUNTY  
AT NEW LONDON, MISSOURI

LOUANNA M. PETERSON, )  
Plaintiff, )  
v. )  
AMERICAN FAMILY MUTUAL )  
INSURANCE COMPANY, )  
Defendant. )

Case No. \_\_\_\_\_

**PETITION**

**COMES NOW** the Plaintiff and for her cause of action against the Defendant states as follows:

1. That Plaintiff is a resident of the State of Missouri currently residing in Ralls County, Missouri.
2. That Defendant is a mutual insurance company duly authorized to engage in the provision of automobile insurance coverage within the State of Missouri.
3. That on or about June 19, 2019 Plaintiff was operating a motor vehicle on US Highway 54 in Pike County, Missouri when she was rear-ended by another motorist.
4. That the accident was caused by the negligence and fault of the other motorist in the following respects:
  - a. Said other motorist failed to keep a careful lookout;
  - b. Said other motorist drove at an excessive rate of speed;
  - c. Said other motorist caused her vehicle to collide with the rear of the vehicle being operated by Plaintiff; and

**EXHIBIT A**

d. Said other motorist knew or should have known that there was a reasonable likelihood of a collision in time to have stopped, swerved or sounded a warning yet motorist failed to do so.

5. That as a result of the collision as hereinbefore described, the Plaintiff was severely and permanently injured and has incurred medical expenses in excess of Thirty-One Thousand Dollars and NO/100 (\$31,000.00) with said medical expenses continuing due to ongoing treatment. In addition, Plaintiff has suffered lost wages as a result of her inability to work due to her injuries as well as having suffered the loss of her general enjoyment of life and her ability to engage in day to day activities.

6. That the Plaintiff's injuries are of a permanent and progressive nature.

7. That the other motorist as hereinbefore described was insured by a policy of insurance with policy limits of Twenty-Five Thousand Dollars and NO/100 (\$25,000.00). Said limits are not sufficient to compensate the Plaintiff for her damages as hereinbefore described.

8. That at the time of the occurrence and at all relevant times herein, the Plaintiff was insured by the Defendant under policy number 0409697705 for which underinsured motorist coverage in the amount of One Hundred Thousand Dollars and NO/100 (\$100,000.00) was afforded and for which Plaintiff had paid a premium.

9. That Plaintiff, by and through counsel, made demand upon the Defendant for settlement by email dated July 10, 2020. Thereafter, despite repeated follow-up phone calls to the Defendant and letters of inquiry, Defendant failed and refused to provide Plaintiff with a substantive response until September 25, 2020. Said response was nothing but dismissive with no good faith effort to come to an amicable resolution of the underinsured motorist claim.

10. That the Defendant's failure to timely respond to Plaintiff's settlement demand and its ultimate woeful settlement position demonstrates the Defendant's vexatious nature of its handling of Plaintiff's claim and is without reasonable cause or excuse for which Plaintiff is entitled to penalties for vexatious refusal pursuant to provisions of Section 375.420 of the Revised Statutes of the State of Missouri.

**WHEREFORE**, Plaintiff prays the Honorable Court to enter judgment in her favor and against the Defendant in the amount of One Hundred Thousand Dollars and NO/100 (\$100,000.00) pursuant to the underinsured motorist coverage afforded the Plaintiff, that vexatious penalties pursuant to statute be assessed against the Defendant and that Plaintiff be awarded her costs and attorney's fees expended herein and for such other and further relief as the Court may deem meet and just in the premises.

Respectfully submitted,

By 

**MARK S. WASINGER, #31438**

**WASINGER PARHAM, L.C.**

P.O. Box 962

Hannibal, Missouri 63401

(573) 221-3225

fax: (573) 221-1991

**ATTORNEY FOR PLAINTIFF**

WasingerParham, L.C.

Attorneys at Law  
2801 St. Mary's Avenue  
P. O. Box 962  
Hannibal, Missouri 63401-0962  
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JOHN B. MORTHLAND  
JAMES D. TERRELL  
MARK S. WASINGER  
CASEY J. WELCH  
NEIL F. MAUNE, JR.  
AMY L. OHNEMUS  
DAVID W. BROWN

MARION F. WASINGER  
(1929-1998)  
AUSTIN PARHAM  
(1947-2001)

October 5, 2020

**"Via E-File"**

Mrs. Gina Jameson  
Ralls County Circuit Court  
P. O. Box 466  
New London, MO 63459

Re: Peterson v. American Family Mutual Insurance Company  
Our File No. 19-589

Dear Mrs. Jameson:

Please find attached hereto a Petition and Confidential Case Filing Information Sheet which have been electronically filed this day. You will find that the filing fee of \$110.50 has been electronically paid.

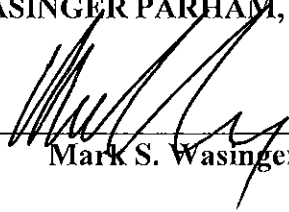
Please issue a Summons to be served upon the Director, Department of Commerce and Insurance, 301 West High Street, Room 530, Jefferson City, MO 65101.

Thank you for your assistance in this matter.

Very truly yours,

WASINGER PARHAM, L.C.

By

  
Mark S. Wasinger

MSW: cm  
Enclosure  
Cc: Ms. Louanna M. Peterson



## IN THE 10TH JUDICIAL CIRCUIT, RALLS COUNTY, MISSOURI

Judge or Division: RACHEL BRINGER SHEPHERD	Case Number: 20RL-CV00261	(Date File Stamp)
Plaintiff/Petitioner: LOUANNA M PETERSON	Plaintiff's/Petitioner's Attorney/Address MARK S WASINGER WASINGER PARHAM LC PO BOX 962 HANNIBAL, MO 63401-0962	
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE CO	Court Address: 311 S MAIN - SECOND FLOOR PO BOX 466 NEW LONDON, MO 63459	
Nature of Suit: CC Pers Injury-Vehicular		

## Summons in Civil Case

The State of Missouri to: AMERICAN FAMILY MUTUAL INSURANCE CO

Alias:

% DIR DEPT OF COMMERCE & INSURANCE  
301 WEST HIGH ST, ROOM 530  
JEFFERSON CITY, MO 65101

COURT SEAL OF



RALLS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

OCTOBER 6, 2020

Date

/S/ ROSANNE EPPERSON

Clerk

Further Information:

## Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_ (date).

(Seal)

My commission expires: \_\_\_\_\_

Date

Notary Public

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



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Judge or Division: RACHEL BRINGER SHEPHERD	Case Number: 20RL-CV00261
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Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE CO	Court Address: 311 S MAIN - SECOND FLOOR PO BOX 466 NEW LONDON, MO 63459
Nature of Suit: CC Pers Injury-Vehicular	

RECEIVED  
OCT 13 2020  
RALLS COUNTY  
SHERIFF'S OFFICE

(Date File Stamp)

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The State of Missouri to: AMERICAN FAMILY MUTUAL INSURANCE CO

Alias:

% DIR DEPT OF COMMERCE & INSURANCE  
301 WEST HIGH ST, ROOM 530  
JEFFERSON CITY, MO 65101

COURT SEAL OF



RALLS COUNTY

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:  
Debra Lee (name) Designee (title).

☐ other: \_\_\_\_\_

Served at 301 W High St. Jefferson City MO 65101 (address)

in Cale (County/City of St. Louis), MO, on 10-14-2020 (date) at 9:20 AM (time).

Sheriff

Printed Name of Sheriff or Server

By Dep. John Stibel 81

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on \_\_\_\_\_

My commission expires: \_\_\_\_\_

Date

## Sheriff's Fees, if applicable

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

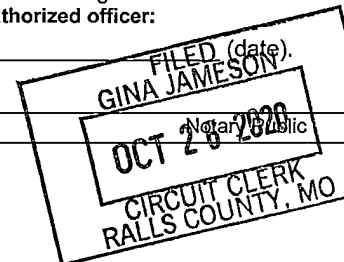
Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$\_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



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